

DUXBURY CLIPPER, THURSDAY, MAY 8, 1969

A HALF CENTURY OF DUXBURY BEACH

FOREWORD

By Frederick T. Pratt

Following Duxbury's strenuous but successful fight against the State taking of the Beach in 1950, I wrote a history of the Beach since its acquisition by the Beach Association, which was published in the Duxbury Clipper.

With the effective assistance of Senator William Weeks and Representative Roger Babb, another attempt at State taking of the Beach was defeated this year. I have now been asked to rewrite and update my history, primarily for the benefit of new citizens, - those who have either grown up or moved into the town since 1950.

THE HISTORY

For more than 30 years prior to 1919 Duxbury Beach was owned by members of the Wright family who owned the once splendid estate opposite the Public Library, now the site of the Eben H. Ellison Middle School. However fantastic the idea may seem in the light of present knowledge of the instability of the beach, they had serious plans, as shown by old time maps, for developing the full length of the beach in small house lots. Undeterred by the famous 1898 storm, they built three fairly sizable cottages, one at High Pines and two between High Pines and the bridge. In 1919 the executor of the Estate of Georgianna B. Wright offered the property for sale. With the plans for real estate development known and the even more serious danger that the beach might develop along Revere Beach or Coney Island lines, a meeting was held and some 18 to 20 loyal Duxburyites raised enough money to buy the property. Title was taken on November 29, 1919, in the name of Duxbury Beach Association, a common law trust organized for the purpose of acquiring the beach and protecting it for the benefit of Duxbury.

Lest this trust ever deviate from its purpose, the trust agreement provided that shares could never be transferred to anyone not owning Duxbury real estate. Technically a "private enterprise," the Association pays town taxes, but no dividends have ever been paid on its shares, and its trustees serve without compensation.

TITLES ADJUSTED

When the beach was acquired there were about 18 houses or shacks and three large shooting stands on the property south of the area now marked by the park gates. Some had been on the beach so long the owners claimed to have acquired title to the land under their houses by undisturbed occupancy for more than 20 years. About two-thirds of these houses and all the shooting stands have been removed, destroyed or torn down, and it may be of interest to recall that the three shooting stands were

Having defeated the attempt at State ownership, the town did not allow matters to drift, but at a Special Town Meeting directed the Moderator to appoint a committee to consider a solution of the traffic and beach problems. This committee, with Benjamin F. Goodrich as chairman, reported to the Annual Town Meeting on March 7, 1931. The able report was printed by the Town in pamphlet form. A careful reading of the complete report will well repay anyone interested in the beach, bridge and attendant traffic problems of today; for many of its long-range recommendations became part of the policy of the Duxbury Beach Association and were subsequently carried out and the solution it recommended has endured for 38 years. The committee's immediate recommendations were:

- (1) to eliminate traffic jams and avoid danger of catastrophe, that the Town forbid parking on Gurnet Bridge and on adjacent Powder Point streets;
- (2) that the Town ask the Duxbury Beach Association to develop at its expense a small parking space at the beach end of the bridge to be open without charge for use by Duxbury residents only and a large parking space at the northern end of the beach for the use of the people of the State generally;
- (3) that the Town agree in return for such cooperation to police the parking spaces and extend the road to the large parking space to be developed at the northern end of the beach."

By unanimous vote the Town Meeting accepted the report and adopted the recommendations of the committee.

ACTION TAKEN

This arrangement, first established so many years ago, required and has usually received the continuous cooperation of the Town and of the Duxbury Beach Association. As use of the beach grew both by Duxbury people and others, the policing problems of the Town increased and beginning in 1950 the Selectmen decided to charge \$1 for a season's sticker, the money to go into the Town Treasury. Occasionally someone questioned the validity of this charge; therefore, at the 1964 Town Meeting, it was voted: "to amend the 1931 Beach Association Agreement, to make the use of the Duxbury Beach Association Parking Space open to the Residents of Duxbury by stickers only, the amount of the fee to be determined by the Selectmen." For 1969 the Selectmen have increased the sticker fee to \$2.

In the last 38 years the Beach Association has many times enlarged the parking

...were moved across the bay and relocated on Landing Road, in So. Duxbury, by Walter Prince. In 1926 and 1931, the Association's title to the beach was confirmed by the Massachusetts Land Court, a result which required negotiation and litigations extending over 10 years, the acquisition of marshlands bordering the beach and the spending of thousands of dollars which was financed by additional subscriptions from the shareholders.

During the early years the only practicable automobile access to Duxbury Beach was over the Gurnet, or Powder Point Bridge. By the mid 1920's automobile traffic and the use of beaches by the public was rapidly increasing and the situation worsened until every pleasant Sunday all of the bridge and adjacent Powder Point streets were completely lined with parked automobiles. This greatly limited the use of the beach by Duxbury people and created not only a nuisance but a real danger of catastrophe. The problem was considered by various town committees and the results of their deliberations are published in the town reports of these early years.

PROPOSALS

In 1928 a bill was introduced into the Massachusetts Legislature providing for State acquisition of several beaches, including Duxbury Beach. As a result of the bill, a recess commission was appointed. It visited Duxbury and reported to the 1929 Legislature recommending an extensive taking, including all of Duxbury Beach from the Duxbury-Marshfield boundary line. Legislative committees held hearings and Duxbury residents organized in opposition to the plan. At the Annual Town Meeting in March, 1929, the meeting disapproved the proposed acquisition by vote of 112 to 46. It voted 102 to 2 that if such a reservation was established, the State should provide a direct approach not running through any of the main streets of thickly settled parts of town. Interestingly enough, it also voted 80 to 40 that Gurnet Bridge should be retained as a foot passage only! As walking has become almost a lost art, it is doubtful if the town would now wish Gurnet Bridge restricted to foot traffic. But probably the sentiment of the town is today even more opposed to a State taking of the beach than was the case in 1929.

...; its policy is to keep the northern parking space for the use of the public and the Gurnet Bridge parking space for the use of Duxbury people large enough to take care of all comers even on the few most popular holidays of the year. Within the last few months a new parking space has been built at the end of the bridge; and the public parking space at the north end is in process of further enlargement.

Until 1941 the public parking space at the north end was so far from the Duxbury Bay side of the beach that public bathing was for all practical purposes limited to the outer beach. In 1941, therefore, to satisfy the demands of the public for bathing in the bay, the Association extended the road from the old northerly parking space to the cove of the beach and there built an entirely new parking space and the public bathhouse and lunchroom now known as the Pavillion. These improvements were financed in part by additional subscriptions from shareholders and in part from proceeds of sale for summer residence purposes of small parcels of land outside the park area at the extreme north end of the beach.

The present capacity of the parking areas for the general public at the north end of the beach is about 1300 cars, so parked that any vehicle can leave at any time. As some do not stay all day, this permits parking 2000 cars on busy days, representing about 6000 people. For 1969 the parking fee will be 75¢ for week days and \$1.50 for Saturdays, Sundays and holidays, an increase over previous years' rates but lower than the charge at comparable beaches. Revenues from parking pays for operation, maintenance and supervision, plus taxes to the Town of Duxbury; most years there is something left over to improve or increase parking facilities for Duxbury residents at the end of the bridge, and, with the much appreciated assistance of volunteer labor, to erosion control measures.

For the first 17 years the northern parking space and facilities were operated by T. Waldo Herrick, and for the last 20 years they have been operated by Ralph N. Blakeman. It would appear from the testimony at the 1950 and 1969 Legislative Hearings that the Beach Association and their operators have usually succeeded in keeping the public happy.

Sometime in 1933 or 1934 it was learned that a substantial amount of ocean beach frontage in Plymouth, just south of the Duxbury-Plymouth line, together with a considerable amount of marshland in back of it, had come on the market, and the Beach Association bought this land to further its long range objective of protecting the beach against exploitation.

The Gurnet or Powder Point Bridge was originally a Duxbury project. It was dedicated on October 21, 1892. For years, however, the cost of maintaining it was paid one-third by Duxbury, one-third by Plymouth County and one-third by Plymouth, Kingston and Marshfield. In 1938 there was agitation for giving residents of the other towns privileges on Duxbury Beach like those enjoyed by Duxbury people or alternatively for relieving the other towns and the county of their share of the cost of maintaining the bridge. As a result, a county committee was appointed, which included Sidney C. Soule of Duxbury. The Committee recommended that control and ownership of the bridge be transferred to the Town of Duxbury. Apparently the Town preferred to assume the entire expense of maintaining the bridge rather than to lose its exclusive rights at the beach end of the bridge, for at a Special Town Meeting in July, 1939, it voted in favor of legislation to accomplish the recommended action. Duxbury citizens helped get the legislation into proper form and the bridge and its approaches were transferred to the Town of Duxbury as of January 1, 1941, the cost of the legal work involved being split 50-50 between the Town and the Beach Association. Thus was accomplished another of the long-range recommendations in the 1931 Goodrich report.

CAME THE WAR

Due to gasoline rationing, relatively little use was made of the beach during the war years. The Association gave the Army free rights to the use of the beach, and it was used for patrol and to a moderate extent for training troops. In 1943 the Beach Association was asked to give the government a right-of-way for the construction of a road from Gurnet Bridge to Gurnet Point for Army use. The trustees felt from many years of experience that the construction and maintenance of such a road would be unnecessarily difficult and costly and advised the government that while

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The Town War Memorial Committee named at the 1946 Town Meeting conceived the idea of setting aside part of Duxbury Beach as a war memorial and had negotiations with Duxbury Beach Association on the proposition. Two methods were considered - acquisition by the Town and acquisition by a new charitable trust. Both of these proposals ran into legal difficulties, as a joint opinion of the Duxbury Town Counsel and the Beach Association lawyer held that if the Town owned the beach it could not

desirability of the somewhat complicated arrangement under which the beach was owned by the Duxbury Beach Association and operated, in close co-operation with the town, for public purposes. The 1951 Town Meeting authorized the Moderator to appoint a committee to study the matter. The committee, headed by Francis C. Rogerson, father of our present Conservation Commission chairman, made a thorough study and concluded, among other things, that the question of State seizure of the beach would depend, not on whether the beach was owned by the Town or by the Association, but rather on how the beach was operated. They expressed their firm conviction that the Beach Association Trustees were guided in their operations only by what they considered to be the best interests of the Town of Duxbury and their only suggestion to the Beach Association was to increase the proportion of year round Duxbury residents on the Board of Trustees. This was done. The present Trustees are Bartlett B. Bradley, William P. Ellison, Thomas W. Herrick, Jr., Frederick T. Pratt and Charles H. Wood.

TEMPORARY LULL

For 18 years since Duxbury's 1950 fight against state taking of the beach, there was no further serious threat. This may have been due partly to more important money demands on Massachusetts resources, but much credit must be given to Duxbury's representatives in the Legislature, working in co-operation with the Beach Association Trustees. Each year the Trustees follow the progress of all bills introduced in the Legislature that can have any possible effect on Duxbury Beach, and maintain contact with our Legislature representatives.

The most active year on the legislative and political front between 1950 and 1968 was perhaps 1958. Although there was at no time any direct immediate threat to Duxbury Beach, legislation was proposed which would have given the Department of Natural Resources power of eminent domain to take land for park purposes. Francis W. Perry (then a Duxbury Selectman) and I discussed this proposed legislation with Governor Francis Sargent, then Commissioner of Natural Resources and with Representative Nathaniel Tilden. Other interests involved also opposed the eminent domain provision, so that the legislation as finally written, giving the Department of Natural Resources power of eminent domain, was conditioned on the approval of the Board of Selectmen of any town in which land was taken with the proviso that the board should be deemed to approve unless it acted favorably or unfavorably within 30 days. I believe we can properly claim a share of credit for this result.

In the fall of 1968, Duxbury was seriously concerned by the Massachusetts Area Planning Council Report of Open Space and Recreation Plan and Program for Metropolitan Boston. The report recommended State acquisition of Duxbury Beach and gave such acquisition high, if not top, priority. Shortly thereafter Representative Daniel Carney introduced a bill (H 2280) into the Legislature providing for the acquisition of Duxbury Beach by eminent domain by the Department of Public Works. After considerable consultation and research, it became evident that these two threats were not connected; and discussions on behalf of Duxbury with members of the Natural Resources Board and of the Department of Natural Resources indicated that they did not wholly agree with the Massachusetts Area Planning Council report; also, we were informed that the Department of

town residents while if a charitable trust owned the beach, the town could not legally appropriate money for maintenance or improvements without, in either case, a special act of the Legislature. On account of this dilemma and because many townspeople had other ideas for a war memorial, the idea of thus using the beach was abandoned by the committee.

Every few years between 1930 and 1950, the question of State acquisition of Duxbury Beach was raised in one form or another, and often bills were introduced into the Legislature to accomplish this. For this period of more than 20 years, the threats were successfully defeated by Duxbury's able and watchful representatives in the Legislature with such assistance as they requested from the Selectmen and from the Duxbury Beach Association Trustees; but no special effort was required during this period by Duxbury residents in general.

BIG TEST

In 1950, however, Duxbury had the biggest fight on its hands since 1929. The Legislative Committee on Harbors and Public Lands scheduled a hearing on the Governor's proposal to create a recreation authority and on the report of a special recess commission recommending State acquisition of ocean beaches, including Duxbury Beach and Crane's Beach in Ipswich. A preliminary meeting was held at the Winsor House on April 14 at which Senator Edward Stone, Representative Nathaniel Tilden, town officials and representative Duxbury citizens were present. Then came a mass meeting at the high school auditorium on April 19. Many Duxbury citizens raised funds and arranged for transportation to the hearings; obtained signatures on the petition to the Legislature, planned the speaking program for the hearings, and otherwise organized Duxbury's opposition. A full account of the Duxbury presentation at the Legislative Hearing on May 4 appeared in the Duxbury Clipper. The opposition was so strong the proposals for the creation of a recreation authority and for acquisition of specific beaches were both defeated in the Legislature.

The success of this big effort did not blind us to neglect future threats; and some Duxbury residents questioned the continued

on Duxbury Beach; in fact, it did not support House Bill 2280. At the April 2, 1969 hearing on this bill there were only two proponents; and the able presentation of Duxbury's case by Senator William Weeks and Representative Roger Babb, with the assistance of Selectman James Jenner, Francis Perry, two of the Duxbury Beach Trustees and others, caused the Committee on Natural Resources to file a unanimous report against the bill. This adverse report was accepted by the House of Representatives.

FUTURE POSSIBILITIES

While this particular threat was relatively easily defeated, there may be similar threats in the future, and I feel that, as was the case after the 1929 and 1950 threats, the Town and the Beach Association Trustees should review the present setup to see if any changes would improve Duxbury's posture. The present arrangement, with relatively minor modifications, has been successful for 38 years; it should not, therefore, be abandoned without good reason. On the other hand, it should from time to time be challenged and existing arrangements should be justified or amended or completely changed. This is under constant study by the Trustees and they hope to have meetings on the subject with the Conservation Commission and with the Planning Board.

So far this history has stressed political and similar factors. On a long-range basis, the physical characteristics, geographical and ecological, may prove even more important.

Duxbury citizens know that the beach has tended to recede and move westward and that severe storms when accompanied by high tides cause the waters of Massachusetts Bay to sweep over the beach. This characteristic has made it costly to maintain parking areas both at the bridge and at the north end, and has tended to keep construction of buildings to a minimum on account of the great danger of loss by storm. The situation is aggravated by the fact that beach grass and other vegetation alone maintains the dunes at a height which affords some protection to the beach, and the parking areas which most need this protection are at the same points where public use of the beach destroys the beach grass.

This problem is under attack on two fronts: erosion control and regulations for use of the beach.

As early as the 1930's, some sporadic efforts at erosion control were made by construction of sand fences with worn-out planks from the bridge furnished the Beach Association by the Town. Beginning in 1963, largely at the instigation of the late Stuart Huckins and John Nash, more systematic attempts were made at erosion control. These efforts were continued and accentuated in more recent years. The Beach Association Trustees and, I am sure, all Duxbury citizens are grateful to those who contributed to the cost of snow fences; to John Nash, Charles Krahmer, and the many other loyal Duxbury citizens who freely gave weekend and holiday time to building sand fences; and to all those who donated Christmas trees (1100 in 1968!) for the purpose. There are now about 3,000 feet of sand fencing south of the bridge and further extension is contemplated this year. We expect within the next few months to have the benefit of geological and ecological studies being made by Mrs. Gordon Gray of the University of Dayton, Ohio and University of Massachusetts, and by Richmond Poole of Duxbury, and the Yale University Graduate School. We hope these studies will enable us to make our combined efforts even more productive.

FURTHER PROGRESS

In 1954, largely at the instigation of Thomas Herrick, a rough roadway was built on the bay side of the dunes for about a quarter of a mile south from the bridge. This was to keep motor vehicle traffic off the beach near the bridge, so as to avoid endangering those who were using the beach there for swimming or other purposes. Although difficult and expensive to maintain, this proved very helpful; it has since been extended farther south. Efforts are being made, with the co-operation of the Duxbury Police Department, to confine vehicular traffic to this roadway and to keep vehicles from running over the dunes.

In 1958, the Trustees became seriously concerned over misuse of the beach south of the bridge by the rougher element, together with the problem of jeeps in the dunes and speeding on the beach. An Article in the Warrant for the 1959 Town Meeting proposed the appropriation of \$800 for patrolling the beach, but this was not adopted at that time. In 1960, however, on the initiative of the Selectmen, several meetings and conferences were held between the Selectmen and the Trustees at which this problem was thoroughly discussed. For 1960, a new sign with new and abbreviated rules was placed on the beach; and in 1961 the Association volunteered to make a four-wheel vehicle available for the Police Department and the Town Meeting appropriated \$4,500 for the purpose of establishing a police patrol for Duxbury Beach during the summer months. The patrol was considered so successful in 1961 that substantially the same arrangements with the

been achieved by either alone. For example, based on legal opinions of the Town Counsel and of counsel for the Association, if the Town owned the beach as a public park it could not differentiate between Duxbury residents and the public generally; as private owners, the Beach Association can and does. The Beach Association, on the other hand, could not afford to set up arrangements for issuing beach stickers to Duxbury residents and could not afford to pay for policing the parking spaces and the beach in general. These functions can best be provided by the Town; and, backed up by Town Meeting votes as required, it has loyally done so.

CONCLUSION

I closed by 1950 History of Duxbury Beach as follows:

"May I be forgiven for closing this history with a personal word. Last Sunday I spent many hours on the beach. I saw Duxbury small fry playing in the sand and their older brothers and sisters frolicking in the surf; I saw Duxbury families sunning themselves or picnicking at the foot of dunes. Then I walked far south of High Pines to enjoy the solitude with the birds and the wind and the sea. As I paused to rest, the thought came to me that all the effort and planning of the last three decades and all the continued effort and planning now being given, were and are thoroughly worthwhile to preserve this priceless heritage for Duxbury."

LITTLE CHANGE

Although Duxbury Beach is more intensively used today, the scene is basically unchanged.

From all this history, it should be clear that the continued purpose of the Duxbury Beach Association is to conserve the beach for the townspeople of Duxbury and neighboring communities. The Trustees ask only that Duxbury residents set an example for others using the beach by helping to keep it clean, safe, uncluttered and so far as possible in its natural state.

tion and Town appropriation for policing, were continued in 1962 and 1963. Nevertheless, as use of the beach increased, problems of speeding, destruction of dunes, littering and the like persisted despite the patrol. Conferences were held between the Association Trustees, the Chief of Police and the Selectmen in December, 1963 and in April, 1964. In 1964 the Association gave the Town the beach vehicle which was turned in by the Town for a new one, and at the March Town Meeting, the Selectmen were given specific authority to fix the resident sticker fee for use of the beach. Arrangements were worked out on a trial basis for closer control of the use of the beach by out-of-town vehicles. The Association acquired more barrels and made arrangements for frequent emptying of barrels, in an effort to reduce litter. Further steps for alleviating bad conditions on the beach were taken in subsequent years and are constantly under consideration and review by the Selectmen, by the Police Department and by the Beach Association Trustees at joint meetings held at least annually.

As evidence of its broad interest in all phases of conservation efforts, in 1968 the Beach Association made available to the Massachusetts Audubon Society a small area at High Pines for establishment of a sanctuary for migrating shore birds.

For more than 37 years, sometimes with honest differences of opinion, but more often, particularly in recent years, with complete harmony and mutual understanding, the Town of Duxbury and the Duxbury Beach Association have co-operated in beach problems, with the broad objectives of keeping the beach in its natural state and of giving Duxbury residents as much preferential use as seems practical in view of the ever-present threat of State taking. This co-operative effort has made possible results which could not have

AERIAL VIEW OF BEACH NORTH FROM GURNET

